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ABSTRACT

This document is the last in a series of reports issued by the Special Child Welfare Advisory Panel of the Annie E. Casey Foundation over the past 3 years. The Panel reviewed the operations of New York City's Administration for Children's Services and its efforts toward reform. The Panel was created as a mechanism by which parties to a lawsuit, Marisol v. Giuliani, were able to suspend their differences in favor of a more affirmative effort to work together to further child welfare reform in New York City. This report addresses the major challenges facing the new city administration and identifies strategies it can use to confront these challenges. It begins by examining the role of the mayor in supporting continued child welfare reform, proposing a series of steps to demonstrate continued commitment from City Hall to the child welfare reform effort. It goes on to review the fundamental strategies that must be pursued to create continued progress, examining what each strategy means in practical terms, why it matters, what has been accomplished in the past several years, and what remains to be done. After describing the role of some of the other key stakeholders (e.g., the state government) in this system, the report offers future advice for leadership and accountability in this effort. (SM)

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ED 463 379

CONCLUDING REPORT [OF THE SPECIAL CHILD WELFARE ADVISORY PANEL]

Annie E. Casey Foundation

March 18, 2002

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March 18, 2002

The attached document is the last of a series of reports issued by the Special Child Welfare Advisory Panel over the past three years. The Panel was created as a mechanism by which the parties to a lawsuit, *Marisol v. Giuliani*, were able to suspend their differences in favor of a more affirmative effort to work together to further child welfare reform in New York City. In this unique, collaborative approach, a small group of experts from around the country has advised the City's Administration for Children's Services (ACS) on how best to achieve critical goals for improving the child welfare system. After the lawsuit ended in late 2000, the Panel continued, at ACS's request, to provide advice and issue public reports.

This Concluding Report addresses the major challenges facing the new City administration, and identifies the major strategies it can use to confront those challenges, in order to continue and deepen the reform effort. At the end of the report we describe plans to, at ACS's request, create an expanded New York Child Welfare Advisory Panel, with local leadership, both to provide continued advice to ACS's leaders and to promote continued public accountability.

The Panel welcomes comments on this report, which should be drected to Steven D. Cohen at the address shown above, or sent by e-mail to:

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I. Introduction

The beginning of this new Mayoral administration takes place at a critical moment in the history of New York City's child welfare system. Over the past six years, strong leadership within the Administration for Children's Services and powerful support from the Mayor have produced fundamental reforms. The Administration for Children's Services is far better managed than its predecessors; it has committed itself to policies, such as neighborhood-based services, that are in line with the best national thinking about child welfare reform; it has added substantial resources in critically needed areas; it is far better able than ever before to hold accountable private not-for-profit agencies, which provide the large majority of foster care and related services; and it is undertaking promising changes, such as the widespread use of family case conferences, to strengthen front-line practice. Mayor Bloomberg's appointment of William Bell, who has played a central role in the system's progress over the past six years, as the new ACS Commissioner, encourages us, and many other observers, to believe that these important efforts can serve as a foundation for even greater accomplishment in the future.

At the same time, the future of child welfare in New York still holds considerable uncertainty. First, much essential work remains to be done. Changes in management and policy have begun to affect the experience of the children and families whose lives ACS touches, but they have not yet been fully translated into the changes in day-to-day practice needed to reshape that experience. Second, the gains already realized are fragile; they have not yet been tested in difficult times, nor have they been in place long enough to become settled ways of doing business. Finally, the child welfare system, like all parts of New York City government, faces new and daunting challenges after September 11th. These challenges are, of course, in part about securing sufficient funding. Inadequate reimbursement has already slowed progress by the private agencies New York depends upon for most child welfare services, and substantial cuts at ACS might well unravel the progress made in the past six years. Beyond money, ACS also needs the continued availability of the high-level time and attention, especially from the Mayor, that has been so essential to its progress thus far.

The Special Child Welfare Advisory Panel, an independent body of professionals with long experience in child welfare reform, has had the privilege of participating in the effort to make New York's system a model for the nation. Three years ago, we were formed as part of an innovative solution to a lawsuit, *Marisol v. Giuliani*, with a dual responsibility to advise ACS on how best to strengthen its reform plans and to inform the public about the progress of those reforms. In late 2000, we issued a Final Report to the Federal Court, finding that ACS had acted in good faith and recommending a further set of actions to be taken. ACS then asked that we continue to provide

independent advice, and assessment of its continued progress, throughout 2001.

Now, as a new Mayor and a new Commissioner take office, we are preparing to bring the current Panel to an end. We hope, however, that our role in promoting public accountability for child welfare will not conclude with dissolution of the existing Panel. We will speak further at the conclusion of this report about the joint interest of Panel members and ACS's leadership in continued, thoughtful public attention to child welfare in New York. First, however, we will devote the body of this report to a series of challenges.

In Part II, we very briefly address the role of the Mayor, and propose a series of steps to demonstrate continued commitment from City Hall to the child welfare reform effort. In Part III, we review the fundamental strategies we think ACS must pursue to create continued progress. For each, we describe what the strategy means in practical terms; why it matters; what has been accomplished in the past several years; and, most critically, what remains to be done in the future. In Part IV, we address the role of some of the other key stakeholders in this system. Finally, in Part V we turn to the question of future advice for the leadership of ACS and accountability for the performance of the child welfare system.

II. The Role of the Mayor in Supporting Continued Child Welfare Reform

While the Mayor is of course far less involved with issues related to children's services than the Commissioner of ACS, we think it no exaggeration to say that his role is at least as critical. Continued momentum for reform, and the translation of the good intentions established in the last administration into a set of practices that permeate the daily activities of the child welfare system, depend critically on his actions. We suggest here four areas in which the Mayor's actions will be essential to the continued progress of ACS.

First, as we hope he has already done, he can authorize Commissioner Bell to put together the most talented team of senior managers he can find, including both individuals remaining from the last administration and talented outsiders, free of political considerations.

Second, he can pay as much attention as possible to ACS. We don't say this lightly; governing New York City was a complicated enough proposition before September 11th, and certainly the new Mayor faces abundant challenges, many of them urgent. Ensuring the City's safety, rebuilding its economy, and managing its budget can easily absorb the vast majority of his time. But over the past six years, we have all learned that when the Mayor assigns a high priority to child welfare, others do too, and ACS gets the help it needs from the rest of City government and from the broader community.

Much of what ACS has accomplished would have been far more difficult without Commissioner Scoppetta's standing with the last Mayor, as well as the Mayor's public commitment to making the system better. While the formal reporting structure of government will no doubt be different in the new administration, we believe that the progress and needs of ACS must remain important items on the new Mayor's agenda, and that they must be known as such throughout City government.

Third, Mayor Bloomberg can affirm the breadth of vision and the level of ambition that ACS set for itself in the "Renewed Plan of Action" issued last year after consultation with local stakeholders and national experts. Commissioner Bell played an important part in the development of this plan, and he has repeatedly and publicly reiterated his commitment to carrying it out. We therefore hope, and believe, that the Mayor is also convinced of its importance, and Mayor Bloomberg's explicit declaration of support for the reform plan would send a powerful signal to all of city government, the child welfare community, and the public. We hope that this support will also include a continued commitment to regularly disseminating data about the critical indicators of system performance ACS has identified, so the public can reliably judge how much progress is being made.

Finally, and perhaps most difficult in light of the current fiscal environment, the Mayor can do everything possible to help ACS through what will no doubt be an extraordinarily difficult budget. Much of the progress accomplished over the past few years can be all too quickly undone, and much of what ACS is poised to achieve will surely go unfulfilled, if the cuts are severe. And it is easy to imagine that widespread budget cuts will prove counter-productive even from a purely fiscal standpoint. If the system's progress in reducing the number of children in foster care, shortening lengths of stay, and improving outcomes is reversed, the City will find itself spending more money rather than less, for all the wrong reasons.

III. Essential Strategies for Continued Child Welfare Reform

In this section, we set ourselves the task of identifying the strategies most critical to continued progress in New York's child welfare reform effort. Over the past three years, this Panel has made recommendations addressing many areas of child welfare policy and practice. ACS has undertaken ambitious actions on many fronts; indeed, its "Renewed Plan of Action" presents plans under 14 chapter headings, each with multiple goals and some specific indicators of progress. Here we look for what, among these many areas, seems most essential at this moment in the history of the reform effort.

The six strategies we describe below fall, by chance rather than design, into two groups of equal size. The first three are areas in which the challenge facing a new administration is primarily that of translating existing improvements in policy and resources into real changes in the day-to-day

work done by thousands of front-line staff with children and families. These strategies are:

- neighborhood-based services;
- family engagement; and
- better training, supervising, and retaining qualified staff.

The remaining three strategies, by contrast, are areas in which less has been accomplished to date. While very thoughtful planning work has occurred in several of these areas, we think it fair to say that they represent important opportunities for the talent and commitment of the new administration to make its mark. These areas are:

- developing a better system of care for teenagers and their families;
- working with the leadership of the Family Court to promote permanency and safety for children; and
- improving the treatment of thousands of children as they come into foster care each year.

Strategy: Neighborhood-Based Services

What it Means. The heart of this strategy is moving the full range of child welfare services into communities throughout the City, so workers at both ACS field offices and private non-profit agencies are based in the neighborhoods they serve. The strategy also entails building networks of care that unite these providers with local community organizations in an effort to support families. Finally, it calls on ACS to routinely place children who must enter foster care with families in their own neighborhoods.

Why it Matters. The child welfare system cannot, in isolation, provide effective help for most of the families it encounters, who very often have multiple needs. Those who are trying to help them, whether they work for ACS or a private foster care agency or a drug treatment program or a legal services office, need to know one another and coordinate their efforts if they are to be successful. Moreover, help for these families is far more likely to be effective when it includes "natural helpers" (extended family, godparents, neighbors, and friends) and community organizations such as churches in addition to publicly-funded social services programs.

When children have to be placed in foster care, they are far more likely to achieve a safe, permanent living situation quickly if they are placed near home, where they can visit with their families regularly. The trauma they experience is usually less when they can stay in the same school and see friends and relatives easily. When these children return home, which is the most common outcome of foster care, their families are far more likely to have a network of community supports to help them provide a safe and stable home. Finally, government funds are used more effectively when workers are based in and know the communities they serve.

What's Been Done. ACS has contracted for services on a neighborhood basis, designating the communities that each private agency will serve and requiring them to establish a physical presence in those areas. ACS now works to place children close to home; while the proportion of children kept in their own community district remains relatively low, it is far greater than it was just a few years ago, and many more children are at least kept in their home borough. It has worked to establish neighborhood networks, beginning with the foster care and preventive services programs it funds, and to develop a means for evaluating how well each network is progressing. And ACS is working with agencies to realign foster homes so they are supervised by programs with contracts to work in the neighborhood in which each home is located.

What Remains to be Done. Having encouraged neighborhood networks to come together, ACS must now provide them with sufficient resources – money to organize their efforts and build the infrastructure to support families in their own community; technical assistance; help in negotiating with other government agencies – to make a difference, and so make it worthwhile to participate. To support this work, ACS will need to build full participation in this effort from all of its divisions, including the protective services field offices. It must also make clear who's accountable for getting each of the networks to work, and make sure that there are consequences for success or failure.

Strategy: Family Engagement

What it Means. This strategy re-shapes the way a child welfare system relates to the parents it works with, whether those parents have children in foster care or still have their families intact but are at risk of disruption. To keep children safe and to help resolve family problems, it creates a team of people who meet regularly in conferences at which parents, their natural supports such as friends and relatives, older children, and foster parents all have important voices in deciding what needs to be done. It demands that each family's service plan be individualized, rather than relying on a short menu of publicly-funded programs for all families. When children are in foster care, it promotes frequent contact with their parents. It also demands that all service providers, both ACS and contract agencies, give the people who receive services a meaningful voice in influencing their policies and practices.

Why it Matters. The circumstances and capacity of the adults in their lives are the most important determinants of children's prospects. When families have problems, it has been common for child welfare caseworkers to decide what parents need to do to resolve their problems, prescribe these activities, and then monitor compliance. This approach is rarely successful. When families are treated with respect as full participants in a team of people working together, the team is far more likely to identify the services that will do them

the most good, and the family is far more likely to be motivated to make good use of those services. (This process is of course always subject to ACS's judgment about what is necessary to ensure the children's safety.) Research shows that frequent parent-child contact is the single best predictor of reunification for children in foster care. Like every other complex system, child welfare needs feedback from the people who use the services in order to achieve its purposes of keeping children safe and keeping families together.

What's Been Done. ACS has established an expectation that family case conferences will be held shortly before or after a child is placed in foster care; 30 days after placement; and prior to discharge. It has made a major investment of resources and training to make these conferences happen regularly. ACS has revamped policies regarding parent-child visiting, encouraging more frequent visits with more flexible arrangements except in the relatively small number of cases for which there are serious safety concerns about visiting. ACS has added parent representatives to its advisory board and developed a process for soliciting feedback from birth parents, foster parents, and older children in foster care.

What Remains to be Done. This new approach needs to permeate all of the casework done with children and families. The value of family team conferences must be maximized by using them as real decision-making vehicles that produce better outcomes for children. Towards these ends, ACS must make a substantial effort to track and improve the effectiveness of conferences, especially by exposing the staff who run the conferences to examples of good practice. It can identify and clear away barriers to using the new policies that promote visiting between parents and children, and reward those agencies that are most successful in implementing them. With help from the New York State Office of Children and Family Services, it can make reimbursement systems more flexible, so workers can develop creative, individualized service plans. Both ACS and contract agencies can regularly use client feedback results, together with frequent communication with organized groups of parents and youth, to improve system policies and practices.

Strategy: Better Training, Supervising, and Retaining Qualified Staff

What it Means. This strategy focuses on giving the front-line staff who work with families and children the tools they need to do the job – especially, the chance to learn and practice the skills, values, and knowledge it takes to do this difficult work. It sees the essential role of supervisors as that of mentor, responsible both for coaching staff so they can improve their practice skills and for holding them accountable for performance. It cannot be successful unless the child welfare system provides the training, supervision, salaries, benefits, and working conditions needed to attract and retain strong front-line workers and supervisors.

Why it Matters. Child welfare work is hard – hard because it demands that good judgments with enormous consequences be made under conditions of uncertainty, and hard because it is emotionally draining. Even the best-organized systems and most thoughtful policies won't lead to results if the people who do the work are poorly trained, inexperienced, and overwhelmed. Children and families suffer when the caseworkers they rely on don't know how to help, and they suffer more when those workers regularly leave and are replaced by new, inexperienced staff who have to start over from the beginning. Workers have little incentive to stay and develop their skills when they are poorly paid and their supervisors have to spend most of their time overseeing compliance with administrative procedures rather than teaching and supporting their staff in intervening effectively with their clients.

What's Been Done. ACS substantially expanded training for its own staff very soon after it became a separate agency. It has now developed an entirely revamped training curriculum, focused on teaching and building skills, and wants to offer this training not only to ACS employees but also to those who work for the non-profit agencies that provide most foster care and preventive services. ACS also achieved substantial salary increases and promotional opportunities for its own front line caseworkers and supervisors, and it transferred out of child welfare hundreds of staff who were not performing at the level the job demands.

What Remains to be Done. ACS and its private sector partners must fully implement their ambitious plan for universal, skills-based training. They must strengthen the role of supervisors throughout the system and ensure that they have the skills, and the time, to coach their staff for stronger practice. Finally, but critically, they must solve the problem of inadequate reimbursement that has left salaries of front-line and supervisory staff in contract agencies far below those paid by ACS, with the result that turnover in many of these organizations is extraordinarily high. The City's leadership, along with other advocates for New York's children, must continue to press for major changes in State funding for child welfare and for significant increases in reimbursement, particularly for those private agencies with the lowest rates. It must also continue to make clear its own commitment to put up its share of the needed funds.

Strategy: Developing a Better System of Care for Teenagers and Their Families

What it Means. This strategy adapts the fundamental goals of all good child welfare services – safety, permanency, and well-being – to the special challenges faced by troubled teens in troubled families. It begins by building services that work with the whole family, even when the teen's behavior is the most easily identified problem, both to keep more teens out of foster care and

to help those in care return home more quickly. When adolescents do have to enter foster care, it seeks to place many more of them with families, rather than sending them routinely to group or institutional settings. It devotes significant attention to greatly improving the school enrollment and academic achievement of teens in foster care. When older adolescents are preparing to leave foster care, it works to ensure lasting connections with adults who will remain responsible for them even when they reach adulthood.

Why it Matters. After infants, teenagers are the group of young people at greatest risk for family disruption and foster care. Too many of those who need help are separated from their families and go into foster care. Most of those who do, both in New York and nationally, have poor experiences, often including school disruption, multiple placements, and unstable discharges. Teens who have been in foster care form a disproportionate share of the young people who end up homeless or in prison.

What's Been Done. ACS has developed a new Office of Youth Development, and is about to issue a comprehensive, ambitious Adolescent Services Plan. ACS is advocating for the development of additional preventive services for teens and their families, and for the recruitment and support of foster families to take care of more adolescents who need out-of-home care. It has funded expert consultants to work with its own staff and private agencies on permanency for teens, and it has developed teen peer leadership councils.

What Remains to be Done. Now that the plan has been developed, ACS needs to take the steps that will translate its vision into action. That means establishing ambitious, measurable goals for each of the key activities in the plan; committing to the timeframes within which these actions will be accomplished; and identifying and getting hold of the resources (including commitment from other stakeholders) needed to achieve the goals.

Strategy: Working with the leadership of the Family Court to promote permanency and safety for children

What it Means. This strategy is designed to make the Family Court a forum in which the child welfare system is held accountable for sound, prompt action on behalf of children and families. For the Court to play this role effectively, ACS and judicial leaders must ensure that hearings occur promptly and without multiple adjournments; that child welfare workers appear at court hearings fully prepared and informed; that all parties, including parents, have adequate legal representation, supported by social workers and experts when needed; that court orders are routinely disseminated and complied with; and that all participants, including child welfare caseworkers, are treated with respect.

Why it Matters. ACS's reform efforts can't succeed unless the Court fulfills its critical role on behalf of children and families. The weightiest decisions

made by child welfare professionals – about separating children from their parents because of abuse or neglect and about permanently terminating parental rights – require the authorization of a Family Court judge. Many other important matters, from visiting between parents and children in foster care to the kinds of services families receive, are also deeply influenced by the Court. Both Chief Judge Kaye and her senior colleagues on one hand, and ACS's leaders on the other, have made some laudable efforts at improvement. But far too often, what happens in Family Court on a daily basis is as likely to frustrate progress for children and families as to promote it. Inadequate case preparation and presentation; lengthy delays; inadequate compensation for parents' attorneys; and inconsistent expectations about the performance of everyone from judges to caseworkers are all urgent issues that must be addressed.

What's Been Done. The Court has undertaken several reform initiatives, including the creation of model courtrooms and drug treatment parts that work far better than the rest of the system. It has also added a significant number of new referees and other staff. Chief Judge Kaye has pushed hard for improved reimbursement for the attorneys who represent parents, so far without success. ACS's leaders have met periodically with senior Family Court judges, and Administrative Judge Lauria regularly calls together stakeholders to discuss problems and identify solutions.

What Remains to be Done. First and foremost, ACS and the Court's leaders need to come together to publicly reaffirm the critical importance of this issue, identify the key changes that need to be made, and commit to implementing them. We believe that developing a Family Court Reform Plan, building on the work already started and taking on the key issues not yet addressed, will be an essential step. Such a plan ought to be as ambitious in scope as ACS's original reform plan, and it must have the full support of ACS's leaders. It should include a commitment to regularly report data on the court's performance to its system partners and to the public. The City, and all advocates for children in New York, will need to support the Court's efforts with the Governor and the Legislature by making adequate funding for the legal representation of all parties one of its priorities in Albany.

Improving the Treatment of Thousands of Children as They Come into Foster Care Each Year.

What it Means. This strategy has several facets. It includes ensuring that essential information is gathered about the child and family before placement, so good decisions can be made, and then passed on to the people who will actually take care of the child. It demands that everyone involved in finding a good placement work together as a team, and that an individual who knows the child remain available to her from removal until she arrives at a foster home or group care facility. It seeks to minimize the number of different places children will have to go to, the number of people who will ask them questions, and the amount of time they will have to wait before they are placed.

Why it Matters. Removing a child from his or her family is the weightiest decision a public child welfare system has to make, and it does so thousands of times a year. Removal is also, even when essential to protect a child's safety, a traumatic experience that profoundly disrupts a child's life. This strategy aims at minimizing the harm involved and maximizing the chance that the child will be placed in an environment that meets his or her needs. When placements are handled well, they ease a child's adjustment to foster care and lay the groundwork for cooperation between ACS, contract agency staff, birth parents, and foster parents. When they are handled poorly, they make all of this far more difficult and create further barriers to permanency.

What's Been Done. ACS has developed new forms and procedures that call on staff to gather more of the information needed to make good placement decisions, and that can make it easier for that information to reach the people who need to use it. It has provided training to staff on what they can do to reduce trauma for children entering foster care. Last year, ACS opened a new Children's Center, substantially improving the conditions under which children await placement. It has also changed the hours of operation of field offices, so fewer children have to move to multiple locations during placement.

What Remains to be Done. ACS needs to implement its new systems, city-wide, as soon as possible. It needs to constantly reinforce the theme that this is an effort to change an entire way of business, not just a change in forms or procedures, and that staff are expected to take personal responsibility for the experience of every child in their care. It needs to measure results (for example, how frequently workers are successful in gathering information about relatives with whom a child might be placed; how often children actually bring personal possessions with them as they enter foster care; and how often foster parents promptly get the information they need to help a child), to see where the new system is working and where it is not. When these efforts are not successful, it needs to identify the systemic barriers that

are impeding them and work with its staff and other stakeholders to clear them away.

IV. Critical Steps Needed from Other Key Stakeholders

New York City's government has demonstrated over the past six years that, with political will and skilled leadership, it can do a great deal to build a better child welfare system. The leaders of the private, non-profit agencies that play such an important role in that system have in many instances also demonstrated their willingness to support and carry out fundamental changes in order to play their part in this reform effort. But the City and the voluntary sector cannot, alone, accomplish all or even most of what needs to be done on behalf of vulnerable children and families. They need substantial help from others whose actions have enormous repercussions for child welfare in New York.

This Panel was established to advise ACS and to assess its progress, so for the past three years we have directed virtually all of our recommendations to the City's leaders. As we prepare to bring the Panel to an end, we would be remiss in our responsibility to support child welfare reform if we failed to take note of the essential actions that must be taken by others.

First and foremost of these actors is the government of New York State. The State determines the total amount of reimbursement available for local child welfare systems, and fixes the maximum rates to be paid to each of the non-profit agencies providing foster care services. It prescribes the rules by which money may be spent. It organizes the Family Court, determines its staffing, and sets the rates paid to attorneys who represent parties in Family Court proceedings. In each of these areas, fundamental change is essential to the effort to build a better child welfare system. In each of these areas, fundamental change has been widely known to be needed for many years yet, through a long period of economic prosperity, far too little has been done.

The recent Child and Family Services Review conducted by the Federal government highlights the work remaining to improve child welfare throughout the State. We respectfully challenge the State's leaders, in developing the corrective action plan required, to take on the critical issues needed to make a real difference. Foremost among these are adequate compensation for foster care agency staff, to reduce turnover and support improved family engagement, and the financial, legislative, and political commitments needed to make real change in the Family Court system.

We also have a challenge for the advocacy community, which has done so much to support and inform the Panel's work over the past three years. New York has a rich array of organizations working to improve the prospects of children and families in need. They have often been quite effective in their

efforts. We are struck, however, by how little influence those who actually receive child welfare services have had in advocating on their own behalf. In most areas of human services, people who need help (and, in many instances, their friends and relatives) are by far the most powerful force for government action and public attention. People with serious physical illnesses; seriously mentally ill adults; and parents of developmentally disabled children have all proved to be extraordinarily effective advocates.

Despite the efforts of some relatively small parent organizing groups, this is not the case in child welfare. In this system, the burden falls on professionals – most often, professionals who do not come from the communities in which the system has the greatest impact – to speak on behalf of those who need the government's help. We acknowledge that changing this will be difficult, but we think that improvement is possible. Parents who have successfully reunited with their children; families that have lived through trouble, but stayed together because they made good use of preventive services; teenagers who can speak to their own experience in foster care – all of these groups, properly mobilized and supported, have the potential to have enormous impact on the public's perceptions of child welfare and on the decisions of elected officials. They are also absolutely essential to the success of ACS's effort to build services in each neighborhood that will respond to the needs of the families who live there. We strongly suspect that the most powerful work advocates can do on behalf of continued reform will have to entail a major effort to help those who have experienced the child welfare system become more effective proponents of change.

Finally, we encourage advocates to remain responsive to the pace, scope, and complexity of the change effort underway. During the past three years we have seen numerous examples of effective advocacy that engages government and works together with it. This is a challenging role for advocates, but one that in our experience has produced real benefits for children and families.

V. Future Public Accountability for Child Welfare in New York City

This Panel arose from a perhaps unique combination of circumstances. On one hand, a major lawsuit was coming to trial, focusing attention on the weaknesses of the City's child welfare system. On the other hand, the City had already committed itself to a complete overhaul of that system, and it had begun to implement important reforms. The plaintiffs and the City defendants were both able to believe that advice from trusted outsiders, coupled with public accountability, could be the most promising route to advancing the reform effort.

We are now in a different time. The original lawsuits are long past; six years of progress have demonstrated how much can be accomplished, but also left

much work still to be done; and a new administration is taking office. We think that there is no longer a role for a Panel that was created by the settlement of a lawsuit, but that the basic functions the Panel has provided – both giving advice and promoting public accountability – remain important and useful ones.

Accordingly, we are very pleased that Commissioner Bell has invited us to develop a mechanism for continuing this work. The Annie E. Casey Foundation has accepted this invitation, and it will support a new, expanded New York Child Welfare Advisory Panel. This Panel will be chaired by Gail Nayowith, Executive Director of the Citizens Committee for Children, and housed at that organization. It will bring together leading experts, both New Yorkers and outsiders; some of the participants will be individuals who have served as members of the Special Child Welfare Advisory Panel. It will consult with and advise ACS's leaders, and it will also report to the public twice each year on ACS's progress against the ambitious goals set out in its Renewed Plan of Action; its major management indicators; and the recommendations made by the Special Child Welfare Advisory Panel. Commissioner Bell's desire for a Panel that will not only provide continued advice, but will also be an independent voice for accountability, is an impressive indication of ACS's commitment to continued progress.

Child welfare work is some of the most difficult in our society, full of risks in every direction. We ask child welfare workers to make decisions with enormous consequences, in very complex contexts, based on the best information they can obtain under difficult circumstances. In light of this, the judgments those workers make cannot always be perfect; even with excellent information no one can predict the future of a family with anything approaching certainty. The best worker, in the best-functioning system, cannot always know for sure whether the child she removes from a family could have stayed safely at home with the right support, or whether the child she leaves at home will be abused or neglected, even very seriously so, in the future.

The state of child welfare in America, of course, leaves us little time to worry about how the best workers function in the best systems. All too often, deeply rooted systemic problems make the likelihood of bad decisions and bad outcomes frighteningly high. Over the past six years, ACS has undertaken a wide-ranging, impressive effort to build a child welfare system that better supports its workers and that does a better job for children and families. If that effort is broadened and deepened, we have every reason to believe that it will be successful. But success will not mean perfection; some children known to ACS will still be harmed, and others will be separated from their families when they might have been helped to stay together. Yet, if day-to-day practice improves as much in the next several years as ACS's policies and systems already have, these tragic outcomes will occur more rarely and the interests and welfare of thousands of children will be much better served.

This result is not obvious. In the ordinary course of politics, government, and the media, we might well expect ACS to receive relatively little attention or support for the next few years. It may no longer be the focus of public outrage or political embarrassment, and other urgent problems have emerged to occupy the attention of our society and our leaders. If child welfare is forgotten – as it has been forgotten before, to our great cost – the gains already achieved are likely to erode, some slowly and others more quickly.

We can, of course, do better. Not only in ACS, but in many other key parts of this system – the private agencies, the advocacy community, other parts of government, to name only a few – we see many people, from leaders to front-line workers, prepared to continue and build these reforms. The task of helping them succeed belongs to all of us.